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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES CARR, HUSSEIN HUSSEIN, and
RICHARD SCHWEICKERT, individually and on
behalf of others similarly situated,

Plaintiffs,

vs.

NEVADA SYSTEM OF HIGHER EDUCATION, a
political subdivision of the State of Nevada, BRET
WHIPPLE, DOROTHY GALLAGHER, MARK
ALDEN, STAVROS ANTHONY, JILL DERBY,
THALIA DONDERO, DOUGLAS HILL, LINDA
HOWARD, JAMES LEAVITT, HOWARD
ROSENBERG, JACK SCHOFIELD, STEVE
SISOLAK, MICHAEL WIXOM, individually,

Defendants.

Case No.: 3:06-cv-00197-LDG-RAM

**STIPULATION AND ORDER
MODIFYING SCHEDULING
ORDER AND SCHEDULING OF
ENE**

IT IS HEREBY STIPULATED AND AGREED to by and between the parties herein,
through their respective counsel of record, to postpone the ENE Session currently scheduled for
September 11, 2006, with ENE Statements due September 5, 2006, until January 2007, and that a

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1 Stipulated Discovery Plan & Scheduling Order be due 10 days after the date of the rescheduled ENE
2 Session in the event the cases does not settle.

3 The reason for the stipulation is that the primary relief sought in this class action is to allow
4 faculty members to grieve annual evaluations. It is anticipated that the Board of Regents of the
5 Nevada System of Higher Education will be considering changes to the Nevada System of Higher
6 Education Code that will permit the grievance procedure sought in this action. Such changes in the
7 Code require two Board of Regents meetings for approval, which means that these changes, if
8 adopted, will be approved in mid-December 2006. Thus, the most efficient manner in which to
9 proceed with this case for the parties, and presumably the Court, is to postpone the ENE and
10 discovery scheduling, and further procedures under Rule 26 and other discovery rules, until the
11 Plaintiffs can assess the changes adopted by the Board of Regents.

12 The undersigned submit this stipulation in a good faith effort to reasonably and effectively
13 manage this case and not for the purpose of delay.

14 DATED this 31st day of August, 2006.

15
16 JEFFREY A. DICKERSON

OFFICE OF CHIEF COUNSEL
NEVADA SYSTEM OF HIGHER EDUCATION

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18 /S/ Jeffrey A. Dickerson
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/S/ Bart Patterson
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23 IT IS SO ORDERED.



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25 UNITED STATES MAGISTRATE JUDGE

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27 DATED: September 5, 2006